

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

7/15/2021

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 3:21MJ261

The person of DENNIS HUNTER (date of birth
06/09/1964; current address of the Miami County Jail,
2042 N County Rd 25A, Troy, OH 45373)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of DENNIS HUNTER, Miami County Jail, 2042 N County Rd 25A, Troy, OH 45373

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

A DNA sample, which will be obtained by placing a cotton swab inside the mouth of DENNIS HUNTER and then rubbing the inside of his cheeks to obtain cellular material.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 U.S.C. §§ 846 and 841 (b)
(1)(A)(viii)Offense Description
attempt to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

The application is based on these facts:

See attached affidavit of Joseph Rossiter, Postal Inspector

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Joseph L. Rossiter, Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
FaceTime (specify reliable electronic means).

Date: 7/15/21

City and state: Dayton, Ohio



Signature

U.S. Magistrate Judge

e and title



AFFIDAVIT

I, Joseph L. Rossiter, being duly sworn, hereby depose and say:

I.

INTRODUCTION

1. I am a United States Postal Inspector, having been so employed since May 2016. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southeast Indiana, and southern Ohio. I completed the United States Postal Inspection Service Basic Training Course in May 2016. This training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, I have worked since May 2016 with various federal, state and local law enforcement agencies investigating the transportation of illegal drugs and their identification.

II.

PURPOSE OF THE AFFIDAVIT

I make this affidavit in support of an application for a warrant to search and obtain a Deoxyribonucleic Acid (DNA) sample from the person of DENNIS HUNTER (date of birth 06/09/1964; current address of the Miami County Jail, 2042 N County Rd 25A, Troy, OH 45373) as this DNA sample may constitute evidence of a violation of Attempt to Possess with Intent to Distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A)(viii)

This affidavit is intended to show that there is sufficient probable cause for the above-

described search warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter. The facts and information contained in this affidavit are based on my personal knowledge, my training and experience.

III.

SUMMARY OF PROBABLE CAUSE

2. On February 19, 2021, I intercepted a package (hereinafter “the Package”) at the Cincinnati Network Distribution Center (NDC). The Package is a Priority Mail flat rate box, bearing tracking number 9505514021111047525284, postmarked February 16, 2021, with the following address information “MRS. MAVLDin 121 WALton AVE. DAYton, OH 45417” with a return address of “BROOK MAVLDin 1645 W. PCH WiLmington, CA 90744.”

3. On February 19, 2021, I performed a check in CLEAR database for the addressee’s information on the Package of “MRS. MAVLDin 121 WALton AVE. DAYton, OH 45417.” CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, there is no “Mrs. Mavldin” associated with 121 Walton Ave, Dayton, OH 45417.

4. I also performed a check in CLEAR for the sender’s information listed on the Package of “BROOK MAVLDin 1645 W. PCH WiLmington, CA 90744.” According to CLEAR, there is no “Brook Mavldin” associated with 1645 W PCH, Wilmington, CA 90744.

5. On February 19, 2021 a federal search warrant was obtained which was then executed on the Package. Upon opening the Package, it was found to contain another Postal Priority Mail box wrapped in black plastic wrap, inside was two plastic cylinder cases wrapped in the same black plastic wrap. Upon opening the two cylinders, they were found to contain vacuumed sealed bags with a clear crystal substance with a total approximate weight of 2693

grams. The clear crystal substance field tested positive for methamphetamine. Methamphetamine is a Schedule II controlled substance.

6. Law enforcement officers re-packed the Package with a pseudo substance ("sham") and some of the contents originally inside the Package prior to its opening by law enforcement authorities. A GPS/Light Sensor device was also placed inside the Package prior to its re-packaging. The inner-packaging was then covered in an invisible fluorescent powder which glows under a U.V. light.

7. On February 23, 2021, a controlled delivery was conducted with members of the Montgomery County Sheriff's Office RANGE Task Force, and Dayton Police Department. A United States Postal Inspector acting in an undercover capacity, attempted to deliver the Package to 121 Walton Ave, Dayton, OH. The Postal Inspector knocked on the door of the residence and when there was no response, left the Package on the front porch of the 121 Walton Ave, Dayton, OH 45417.

8. A short period later a male suspect, later positively identified as DENNIS HUNTER, wearing blue jeans, an orange shirt, and a gray sweatshirt, walked by 121 Walton Avenue several times before taking the Package from the front porch of the residence. HUNTER then took the Package South on Walton towards Delphos Avenue, Dayton, OH. After losing sight of HUNTER for a short period, he was then observed exiting 3307 Delphos Avenue, Dayton, OH 45417. The GPS/Light sensor device was also indicating that the Package had been taken to the vicinity of 3307 and 3309 Delphos Avenue. These events were witnessed by law enforcement officers acting in an undercover capacity.

9. The GPS/Light sensor then indicated movement toward the garage of 3309 Delphos Avenue. 3309 Delphos Avenue, Dayton, OH 45417 is a vacant property, and was boarded up as

a nuisance house by the City of Dayton, OH. A short period later law enforcement officers received an indication from the GPS/Light Sensor device that the Package was being opened or tampered with. At this time law enforcement acting under the Federal Anticipatory Search Warrant previously obtained, moved in to secure the area, evidence, and any suspects.

10. HUNTER was taken into custody by law enforcement in the roadway of Delphos Avenue in the front of 3307 and 3309 Delphos. HUNTER had also put on a coat over his gray sweatshirt which appeared to be an attempt to alter his original appearance from earlier.

11. In the garage of 3309 Delphos Avenue, Dayton, OH, law enforcement found black plastic wrap, which was part of the contents of the Package. In the attic of the garage was found the rest of the inner packaging, some of the sham placed in the Package by law enforcement, the Package, the GPS/Light Sensor device, and a digital scale. In front of the entrance to the garage law enforcement discovered the rest of the sham from the Package, and several baggies of what appeared to be actual narcotics. Based upon training and experience as a law enforcement officer the baggies appeared to contain possibly heroin, crack cocaine, methamphetamine, and/or fentanyl. The suspected actual narcotics were sent for forensic laboratory testing which resulted the contents of those baggies were in fact Fentanyl (Schedule II), Cocaine (Schedule II), Methamphetamine (Schedule II), and Heroin (Schedule I).

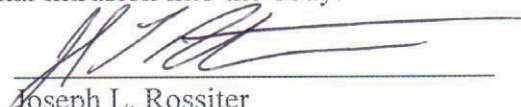
12. On February 23, 2021, a U.V. light was shown on a pair of gloves that HUNTER was wearing at the time he was taken into custody by law enforcement. The U.V. light indicated that there was invisible fluorescent powder on the gloves, as the powder glowed bright green under the light. This was a positive indication to law enforcement that HUNTER had opened the Package, and opened the inner packaging were the fluorescent powder had been previously placed

13. Based on the investigation, your Affiant believes the sham packaging and the actual narcotics found on the ground by the garage of 3309 Delphos Ave, Dayton, OH were possessed by DENNIS HUNTER, in violation of 21 U.S.C. §§ 846 and 841 (b)(1)(A). Accordingly, your Affiant is requesting a sample of DENNIS HUNTER's DNA, to compare with DNA samples recovered from the scene at 3309 Delphos Ave, Dayton, OH.

V.

CONCLUSION

14. Based on the foregoing, I believe that there is probable cause to issue a search warrant and obtain a Deoxyribonucleic Acid (DNA) sample from the person of DENNIS HUNTER (date of birth 06/09/1964; current address of the Miami County Jail, 2042 N County Rd 25A, Troy, OH 45373), as this DNA sample may constitute evidence of violations of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A) (attempt to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.) Therefore, I request that the Court allow me and other law enforcement officers to take a cotton swab and place it inside the mouth of DENNIS HUNTER, rubbing the inside of his cheek to obtain cellular material. Based on my training and experience, I know that this procedure is quick, painless and involves minimal intrusion into the body.


Joseph L. Rossiter
Postal Inspector
United States Postal Inspection Service

15th

Subscribed and sworn to before me this ____ day of July, 2021.




SHARON L. OVINGTON
United States Magistrate Judge